

#3



Beiersdorf 753-KGB  
6713-hf-200-271

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : DR. HEINER MAX ET AL.  
SERIAL NO. : 10/021,627  
FILED : December 12, 2001  
FOR : USE OF FOLIC ACID AND/OR DERIVATIVES THEREOF  
FOR THE PREPARATION OF COSMETIC OR  
DERMATOLOGICAL PREPARATIONS FOR THE  
PROPHYLAXIS OF DAMAGE TO DNA INTRINSIC TO THE  
SKIN AND/OR FOR THE REPAIR OF EXISTING DAMAGE  
TO DNA INTRINSIC TO THE SKIN  
ART UNIT : To Be Assigned  
EXAMINER : To Be Assigned

---

April 3, 2002

Hon. Commissioner for Patents  
Washington, D.C. 20231

**COMMUNICATION RE: FILING OF DECLARATION ON  
A DATE LATER THAN THE FILING DATE OF THE APPLICATION**

Sir:

This is in response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated January 22, 2002, in the above-identified application. A copy of said Notice is attached hereto.

It is requested that the papers submitted herewith be joined up with the papers previously filed in this Application.

Applicant is:

☐ a small entity

☐ verified statement attached

☒ other than a small entity

☐ verified statement filed

DR. HEINER MAX ET AL  
USSN 10/021,627

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231 on April 3, 2002.

NORRIS McLAUGHLIN & MARCUS, P.A.

By  \_\_\_\_\_

DR. HEINER MAX ET AL  
USSN 10/021,627

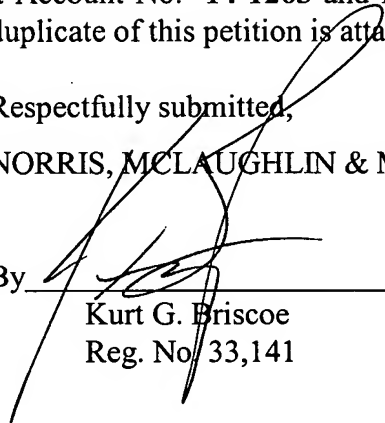
[ ] five months                      \$1,960.00                      \$980.00

Fee \$110.00

4. A Response is filed herewith.

5. Charge the petition fee to Deposit Account No. **14-1263** and for any additional fee required or credit for any excess fee paid. A duplicate of this petition is attached.

Respectfully submitted,  
NORRIS, MCLAUGHLIN & MARCUS, P.A.

By  \_\_\_\_\_  
Kurt G. Briscoe  
Reg. No. 33,141

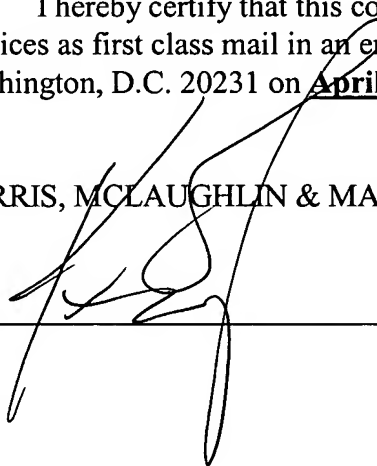
KGB/ja

220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor  
New York, New York 10017  
Tel.: (212) 808-0700  
Fax: (212) 808-0844

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: The Commissioner of Patents, Washington, D.C. 20231 on April 3, 2002.

NORRIS, MCLAUGHLIN & MARCUS, P.A.

By  \_\_\_\_\_

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)		Application Number	10/021,627
		Filing Date	December 12, 2001
		First Named Inventor	Dr. Heiner MAX et al
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	100718-357/Beiersdorf 753-KGB

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> <b>Fee Transmittal Form</b> <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> <b>Response to Missing Parts/ Incomplete Application</b> <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> <b>Assignment Papers (for an Application)</b> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip(PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> <b>Additional Enclosure(s) - (please identify below):</b> <b>-Copy of Notice to File Missing Parts</b> <b>- Combination Declaration and Power of Attorney</b>
Remarks:		

SIGNATURE OF APPLICANT/ ATTORNEY, OR AGENT			
Firm or Individual name	Kurt G. Briscoe, Esq. NORRIS McLAUGHLIN & MARCUS, P.A.		
Signature	Reg. No. 33,141		
Date	April 3, 2002		
CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Hon. Commissioner of Patents, Washington, D.C. 20231 on this date: April 3, 2002			
Typed or printed name	Kurt G. Briscoe		
Signature		Date	April 3, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT****\$240.00****Complete if Known**

Application Number 10/021,627

Filing Date December 12, 2001

First Named Inventor Dr. Heiner Max et al

Examiner Name To Be Assigned

Group Art Unit To Be Assigned

Attorney Docket No. 100718-357 /Beiersdorf 753-KGB

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number

14-1263

Deposit  
Account  
Name

Norris McLaughlin &amp; Marcus

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)

Code (\$)

Fee Paid

101 740

201 370

Utility filing fee

106 330

206 165

Design filing fee

107 510

207 255

Plant filing fee

108 740

208 370

Reissue filing fee

114 160

214 80

Provisional filing fee

SUBTOTAL (1)

\$0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND**

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** = 0	X	0.00
Independent Claims	-3** = 0	X	0.00
Multiple Dependent			0.00

Large Entity Small Entity

Fee Fee

Fee Fee

Fee Description

Code (\$)

Code (\$)

103 18

203 9

Claims in excess of 20

102 84

202 42

Independent claims in excess of 3

104 280

204 140

Multiple dependent claim, if not paid

109 84

209 42

\*\* Reissue independent claims over original patent

110 18

210 9

\*\* Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Fee

Fee Fee

Fee Description

Fee Paid

Code (\$)

Code (\$)

105 130

205 65

Surcharge - late filing fee or oath

130.00

127 50

227 25

Surcharge - late provisional filing fee or cover sheet

139 130

139 130

Non - English specification

147 2,520

147 2,520

For filing a request for *ex parte* reexamination

112 920\*

112 920\*

Requesting publication of SIR prior to Examiner action

113 1,840\*

113 1,840\*

Requesting publication of SIR after Examiner action

115 110

215 55

Extension for reply within first month

110.00

116 400

216 200

Extension for reply within second month

117 920

217 460

Extension for reply within third month

118 1,440

218 720

Extension for reply within fourth month

128 1,960

228 980

Extension for reply within fifth month

119 320

219 160

Notice of Appeal

120 320

220 160

Filing a brief in support of an appeal

121 280

221 140

Request for oral hearing

138 1,510

138 1,510

Petition to institute a public use proceeding

140 110

240 55

Petition to revive - unavoidable

141 1,280

241 640

Petition to revive - unintentional

142 1,280

242 640

Utility issue fee (or reissue)

143 460

243 230

Design issue fee

144 620

244 310

Plant issue fee

122 130

122 130

Petitions to the Commissioner

123 50

123 50

Processing fee under 37 CFR § 1.17(q)

126 180

126 180

Submission of Information Disclosure Statement

581 40

581 40

Recording each patent assignment per property (times number of properties)

146 740

246 370

Filing a submission after final rejection (37 CFR § 1.129(a))

149 740

249 370

For each additional invention to be examined (37 CFR § 1.129(b))

179 740

279 370

Request for Continued Examination (RCE)

169 900

169 900

Request for expedited examination of a design application

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$240.00

**SUBMITTED BY**

Name (Print/Type)

Kurt G. Briscoe

Registration No.  
(Attorney/Agent)

33,141

**Complete (if applicable)**

Telephone

(212) 808-0700

Signature

Date

April 3, 2002

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

APR 11 2002

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/021,627	12/12/2001	Heiner Max	100718- /Beiersdorf 753-K

CONFIRMATION NO. 9248

 27384  
 KURT BRISCOE  
 NORRIS, MCLAUGHLIN & MARCUS, P.A.  
 220 EAST 42ND STREET, 30TH FLOOR  
 NEW YORK, NY 10017

## FORMALITIES LETTER



\*OC000000007336170\*

Date Mailed: 01/22/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

---

*A copy of this notice **MUST** be returned with the reply.*

*Te1*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/12/2002 SDENBOR1 00000081 141263 10021627

01 FC:105 130.00 CH